
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PEDRO ARCE,

Plaintiff,

v.

WAL-MART STORES, EAST, L.P.,

Defendant.

Case No.: CIV-22-577-PRW

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendant, Wal-Mart Stores East, L.P., a Delaware Limited Partnership (“Walmart”) pursuant to Title 28 U.S.C. §§ 1332, 1441(a) and 1446 and LCvR 81.2, files this Notice of Removal of the civil action filed against them in the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendant states as follows:

1. Plaintiff, Pedro Arce, filed his Petition in Oklahoma County District Court on January 25, 2022. (See copy of the Oklahoma County District Court Docket, attached as Exhibit “1”).
2. Plaintiff, Pedro Arce, has pled damages in excess of the amount required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332. (See Plaintiff’s Petition,

attached as Exhibit “2”).

3. It is Defendant’s belief that Plaintiff is a resident and citizen of the State of Oklahoma.
4. Wal-Mart Stores East, L.P. is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas, which is composed of two partners, namely WSE Management, LLC (GP) and WSE Investment, LLC (LP), both of which are Delaware limited liability companies with their principal place of business in Bentonville, Arkansas.
5. Further, the sole member of said two limited liability companies is Walmart Inc., a Delaware Corporation with its principal place of business in Bentonville, Arkansas. Walmart Inc., is a publicly traded company and has no parent company.
6. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant is made pursuant to the provisions of Title 28 U.S.C. §1441.
7. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged incident occurred in Oklahoma County, State of Oklahoma, which is in the Western District of Oklahoma.

8. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those available under Rule 12 of the Federal Rules of Civil Procedure.
9. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2022-355 (Oklahoma County District Court)

Exhibit 1: Copy of the Oklahoma County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons

Exhibit 4: Proof of Publication/Journal Entry

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff and are filing a Notice of Removal with the Clerk of the District Court of Oklahoma County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Oklahoma County Court Clerk contemporaneous with this document.

WHEREFORE, Defendant prays that the Court take jurisdiction in this action to the

exclusion of any further proceedings in the District Court of Oklahoma County, State of Oklahoma.

/s/Michael W. Brewer

MICHAEL W. BREWER, OBA #11769

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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ATTORNEYS FOR PLAINTIFF

/s/Michael W. Brewer

MICHAEL W. BREWER